## No. 10519 EQUITY.

Pannie B. Evans and Florence B. Hay, individually and as Executrices of the last Will and Testament of Benjamin F. Brown, Deceased, Miriam Evans Kefauver, Harry J. Kefauver, Evans Brown KEfauver, infant, by Harry J. Kefauver, his father and next friend.

Vs.

Evens Brewn Kefauver, Infant.

No.105 19 EQUITY.

In the Circuit Ceurt for Frederick County, sitting as Court of Equity.

To the Honorable, the Judges of said Court;

Your Oraters and Oratrices complaining, say;

- 1. That Benjamin F.Brown, late of Frederick City, Frederick County, Maryland, was in his lifetime seized and possessed of a lot or parcel of ground situated on the corner of Water Street and B.& O.Avenne in Frederick City aforesaid, said lot or parcel of land being improved with six-three-story brick dwwlling houses known as Mos. 155, 157, 159, 161, 163, 165, B & O Avenne; being the same real estate conveyed by Thomas Gorsuch, Executor, unto the said Benjamin F.Brown by deed dated January 28, 1888, and recorded in Liber W.I.P.Mo. 4, folio 712, one of the Land Records of Frederick County, a certified copy of which deed is filed herewith marked Exhibit Mo.1, and which is prayed to be taken as part of this Bill of Complaint as fully as if herein set forth in words and figures.
- 2. That being seized and possessed of the said real estate the said Benjamin F. Brown died in the year 1898, leaving a last will and testament probated September 16, 1898, in the Orphans Court of Frederick County, and duly recorded in Liber J.K.W.Ho.2, felio 339, etc., one of the Record Books of Wills in the office of the Register of Wills of Frederick County, a certified copy of said last will and testament being filed herewith, marked Exhibit Ho.2, and prayed to be taken as a part of this Bill of Complaint as fully as if herein set forth; in which said last will and testament, by paragraph 3rd thereof, the said testator made the following devise of the aforesaid real estate, to-wit;-
- "3rd. I give, devise and bequeath to my daughter Pannie B. Evans my six brick dwelling houses and lots of ground, situated on Railroad Avenue and Water Street in said Prederick City, fronting South en the Baltimore and Ohio Railroad, and adjoining my coal yard on the East, being the property which I purchased from Thomas Gorsuch, Executor of the late James Whitehill, To have and to hold said Six houses and lots of ground, for and during the term of her natural life, and after her death I give and devise the same to her child er children living at the time of her death; and the issue of any deceased child or children dying in the lifetime of my said daughter, Pannie B. Evans to stand in the place of and represent its or their Ancestor, that is, to take per stripes, and in the event of my said daughter dying without leaving any child or children living at the time of her death, or the issue of any deceased child or children, then I will and direct that said houses and lots of ground shall pass under the resiruary clause of this my will."

And in paragraph 9th of said last will and testament the said Testator made the following provision as to the residue of his estate, to-wit;-

"9th. All the rest and residue of my Estate of whatsoever kind or description and wheresoever situate, lying, or being, I will, devise and bequeath to mm two daughters Fannie B. Evans and Florence Hay, in equal shares and proportions, free, clear and discha-